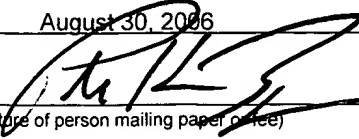




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PATENT

Paper No.

File: Schutz-P1-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Jared P. Schutz
Serial No.	:	09/747,506
Filed	:	December 22, 2000
For	:	DIGITAL COMPUTER SYSTEM AND METHODS FOR IMPLEMENTING A FINANCIAL TRANSACTION
Group Art Unit	:	3621
Examiner	:	Hewitt II, Calvin L

AMENDED BRIEF

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor	:	Jared P. Schutz
Serial No.	:	09/747,506
Filed	:	December 22, 2000
For	:	DIGITAL COMPUTER SYSTEM AND METHODS FOR IMPLEMENTING A FINANCIAL TRANSACTION
Group Art Unit	:	3621
Examiner	:	Hewitt II, Calvin L

Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 2231301459

**BRIEF ON APPEAL
ON BEHALF OF APPELLANT**

S I R :

This is an appeal from the Final Action of the Examiner dated May 5, 2005, rejecting claims 1-21 pending in this application.

Please charge the fee under 37 C.F.R. § 1.17, the fee for any Extension of Time for filing of this Brief, and any other fee necessary for filing this Brief on Appeal, or for further prosecution, to Deposit Account No. 50-0235.

I. Real Party In Interest

Appellant, Jared Polis Schutz, is the real party in interest in this matter. Jared has changed his name to Jared Schutz Polis.

II. Related Appeals and Interferences

There are no related appeals or interferences believed to be related.

III. Status of Claims

Claims 1-21 have been rejected pursuant to 35 U.S.C. § 112, second paragraph; Claims 1-7, 15, 16, and 18-21 have been rejected pursuant to 35 U.S.C. § 102(b); and claims 7-14, and 17 have been rejected pursuant to 35 U.S.C. § 103.

IV. Status of Amendments Filed Subsequent to Final Rejection

An amendment has been filed subsequent to the Final Rejection has been entered. By telephone on April 4, 2006, the undersigned and the Examiner agreed on entry of a second amendment filed April 6, 2006.

V. Summary of the Claimed Subject Matter

Generally, the claims pertain to such as a method for using a computer system to implement a financial transaction. In an embodiment related to claim 1, the method includes the steps of: providing a first web site having identifier data; encrypting the identifier data; using a URL to log on to a second web site, said log on using the encrypted identifier data for passing the encrypted identifier data to a second web site; and implementing the financial transaction by using the encrypted identifier data from the second web site.

In an embodiment related to claim 2, the method includes the steps of: using a browser to communicate payment data over the Internet; implementing a purchase over the Internet with the payment data communicated by the browser; and reconciling a payment for the purchase invisibly to the purchaser by using the payment data communicated by the browser to implement the financial transaction.

In an embodiment related to claim 3, the method includes the step of: using a computerized customer order to implement the financial transaction by triggering a communication of real time payment data from a non-customer computer to a vendor computer without customer intervention.

In an embodiment related to claim 21, the method includes the steps of: using a

browser to communicate value conveyance data over the Internet; implementing a redemption over the Internet with the value conveyance data communicated by the browser; and reconciling the value conveyance for the redemption invisibly to the recipient by using the value conveyance data communicated by the browser.

More particularly, please see the chart below and note that one manner of viewing support for the claims is as follows:

1. A method for using a computer system to implement a financial transaction, the method including the steps of:
 - providing a first web site having identifier data; ...providing a first web site having identifier data... Pg6, Ln4
 - encrypting the identifier data; ...encrypted identifier data... Pg6, Ln5
 - using a URL to log on to a second web site, said log on using the encrypted identifier data for passing the encrypted identifier data to the second web site; ...using a URL to log on to a second web site...identifier data to a second web site... Pg6, Lns6-7
 - and
 - implementing the financial transaction by using the encrypted identifier data from the second web site. ...implementing the financial transaction...data from the second web site. Pg6, Lns7-8.
2. A method for using a ...implement a financial transaction... Pg6,

computer system to implement a financial transaction, the method including the steps of:

using a browser to communicate payment data over the Internet;

implementing a purchase over the Internet with the payment data communicated by the browser; and

reconciling a payment for the purchase invisibly to the purchaser by using the payment data communicated by the browser to implement the financial transaction.

3. A method for using a computer system to implement a financial transaction, the method including the step of:

using a computerized customer order to implement the financial transaction by triggering a communication of real time payment data from a non-customer computer to a vendor computer without customer intervention.

Ln4

...using a browser to communicate payment data over the Internet... Pg6, Lns9-10

...implementing a purchase over the Internet with the payment data communicated by the browser... Pg6, Lns10-11

...reconciling a payment for the purchase...to implement the financial transaction. Pg6, Lns11-13

...implement a financial transaction... Pg6, Ln4

...using a computerized customer order to implement the financial transaction...vendor computer without customer intervention. Pg6, Lns13-16

4. The method of claim 3, wherein the triggering is carried out over a proxy server.

...the triggering can be carried out over a proxy server. Pg6, Lns17-18

5. The method of claim 3 further, wherein the triggering is carried out over an Internet-type network.

...the triggering can be carried out...over an Internet-type network... Pg6, Lns17-18

6. Any one of claims 2-3 further including the step of encrypting the data.

... can include the step of encrypting the data... Pg6, Lns18-19

7. Any one of claims 1-3 further including the step of attaching data identifying the financial transaction to an electronic communication transmitted to enable carrying out the financial transaction.

... attaching data identifying the financial transaction to an electronic communication transmitted to enable carrying out the financial transaction. Pg6, Lns21-22

8. Any one of claims 1-3 further including the step of attaching data identifying a gift as the financial transaction to an Internet greeting card transmitted to enable carrying out the financial

... attaching data identifying a gift, such as flowers, as the financial transaction to an Internet greeting card transmitted to enable carrying out the financial transaction. Pg7, Lns1-2

transaction.

9. Any one of claims 1-3 further including the step of providing a gift certificate as the financial transaction.

... providing a gift certificate...as the financial transaction. Pg7, Lns3-6

10. Any one of claims 1-3 further including the step of providing a coupon as the financial transaction.

... providing a ...coupon, ...as the financial transaction. Pg7, Lns3-6

11. Any one of claims 1-3 further including the step of providing a rebate as the financial transaction.

... providing a...rebate...as the financial transaction. Pg7, Lns3-6

12. Any one of claims 1-3 further including the step of conveying money as the financial transaction.

... providing...money...as the financial transaction. Pg7, Lns3-6

13. Any one of claims 1-3 further including the step of providing a cash surrogate as the financial transaction.

... providing...a cash surrogate (e.g., "Internet cash")...as the financial transaction. Pg7, Lns3-6

14. Any one of claims 1-3 further including the step of issuing a stored value

... providing...a stored value vehicle (e.g., a debit card)...as the financial transaction.

vehicle as the financial transaction.

Pg7, Lns3-6

15. Any one of claims 1-3 further including the step of facilitating the financial transaction with a computer communication from an intermediary from the group consisting of a broker, agent, and middleman.

...facilitating the financial transaction can be carried out with a computer communication from an intermediary from the group consisting of a broker, agent, and middleman. Pg7, Lns7-9

16. Any one of claims 1-3 further including the step of executing a card account to carry out the financial transaction.

... executing a card account to carry out the financial transaction. Pg7, Ln11

17. Any one of claims 1-3 further including the step of employing a wallet-enabled browser to communicate some of the data.

...employing a wallet-enabled browser to communicate some of the data. Pg7, Ln13

18. Any one of claims 1-3 further including the step of accessing a bank account to make a payment for the financial transaction.

... accessing a bank account to make a payment for the financial transaction. Pg7, Ln15

19. Any one of claims 2-3 further including the step of encrypting some of the data with private key to private key encryption.

This Visa debit card number is encrypted ...private key encryption system. Pg21, Lns2-3

20. The method of claim 1, wherein the encrypting includes encrypting with private key to private key encryption.

This Visa debit card number is encrypted ...private key encryption system. Pg21, Lns2-3

21. A method for using a computer system to implement a financial transaction, the method including the steps of:

using a browser to communicate value conveyance data over the Internet;

implementing a redemption over the Internet with the value conveyance data communicated by the browser; and

reconciling the value conveyance for the redemption invisibly to the recipient by using the value conveyance data communicated by the browser.

At page 70, html and frames are used ...stored value card that has been created by adding a dollar value... Pg20, Lns21-24

Using a URL, encoded information is passed along to the merchant including: the visa debit card number (encoded in private-private key encryption) that can be used in their normal payment reconciliation system... Pg21, Lns9-12

VI. Grouping of Claims for Each Ground of Rejection Which Appellant Contests

A. § 112

1. Has the Examiner shown that each of claims 1, 7--20 are unpatentable pursuant to 35 U.S.C. § 112, second paragraph?

2. Is the rejection is proper pursuant to Sec 132?

B. § 102

1. Has the Examiner shown that each of claims; claims 1-7, 15, 16, and 18-21 are unpatentable pursuant to 35 U.S.C. § 102(b)?

2. Is the rejection is proper pursuant to Sec 132?

C. § 103

1. Has the Examiner shown that each of Claims 7-14, and 17 are unpatentable pursuant to 35 U.S.C. § 103?

2. Is the rejection is proper pursuant to Sec 132?

VII. Argument

The claims do not stand or fall together, and an explanation as to why appears in the respective argument section below. Some arguments are applicable to more than one claim, and the claims are grouped only for such an argument.

Argument with respect to the statute under which the claims have been rejected (35 U.S.C. Secs. 112, 102, and 103) have been consolidated with the argument concerning 35 U.S.C. § 132 for the sake of efficiency.

A. § 112

1. The Rejection is Improper Pursuant to §132

a. Legal Standard

1. § 112

Pursuant to MPEP § 2173.02, if the language of the claim is such that a person of ordinary skill in the art could not interpret the metes and bounds of the claim so as to understand how to avoid infringement, a rejection of the claim under 35 U.S.C. 112, second paragraph, would be appropriate. See *Morton Int'l, Inc. v. Cardinal Chem. Co.*, 5 F.3d 1464, 1470, 28 USPQ2d 1190, 1195 (Fed. Cir. 1993). However, if the language used by Appellant satisfies the statutory requirements of 35 U.S.C. 112, second paragraph, but the examiner merely wants the Appellant to improve the clarity or precision of the language used, the claim must not be rejected under 35 U.S.C. 112, second paragraph, rather, the examiner should suggest improved language to the Appellant.

Further, pursuant to MPEP § 2173.04, breadth of a claim is not to be equated with indefiniteness. *In re Miller*, 441 F.2d 689, 169 USPQ 597 (CCPA 1971). If the scope of the subject matter embraced by the claims is clear, and if Appellants have not otherwise indicated that they intend the invention to be of a scope different from that defined in the claims, then the claims comply with 35 U.S.C. § 112, second paragraph.

2. § 132

35 U.S.C. § 132 requires that “[w]henver, on examination, any claim is rejected, the Commissioner shall notify the applicant... stating the reasons for such rejection... together with such information as may be useful in judging the propriety of continuing prosecution....”

B. Argument

1. The Examiner Has Not Shown That Each of Claims 1, 7-20 is Unpatentable Pursuant to 35 § U.S.C. 112, Second Paragraph

a. Overview

The Examiner has rejected claims 1, and 7-20 pursuant to 35 U.S.C. § 112, second paragraph. In the Office Action of May 5, 2005, at page 2, Para. 3(a), the Examiner contends Claim 1 is indefinite because the italicized claim language below

1. A method for using a computer system to implement a financial transaction, the method including the steps of:

providing a first web site having identifier data;

encrypting the identifier data;

using a URL to log on to a second web site, *said log on using the encrypted identifier data for passing the encrypted identifier data to the second web site; and implementing the financial transaction by using the encrypted identifier data from the second web site.*

is unclear because “the second web site doesn’t generate, nor perform further processing, using the encrypted identifier.” See Final Rejection page 4, Paragraph(a).

b. Claims 1, and 7-20 Have Not Been Shown to Be Indefinite

The Examiner’s contention that “the second web site doesn’t generate, nor perform further processing, using the encrypted identifier” is respectfully traversed. The rejection is premised upon a misinterpretation of the claim that in turn is premised on a failure to consider the claim as a whole. Claim 1 requires using a computer system... including... implementing the financial transaction which includes using the encrypted identifier data from the second web site. The implementing encompasses further processing. Secondly, the Examiner has not shown prima facie that § 112 requires “further processing” in order to be clear. Because the rejection is premised on a failure to consider the claim as a whole, the Examiner has not made out a case of prima facie unpatentability pursuant to § 112.

c. The Rejection Of Claims 1, And 7-20 is Improper Under § 132

In Appellant’s Response filed January 10, 2005, at page 3, Appellant stated:

Applicant has not been able to understand the rejections and requests, with respect, detail sufficient to comply with § 132. The Examiner is invited to contact the undersigned if it might help advance prosecution.

Although Appellant did respond specifically to every ground of rejection, the Examiner asserts “Applicant’s arguments directed to claims 1 and 2... amount to a general

allegation that the claims define patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.” See Final Rejection at page 3.

The fundamental question of fairness is whether the PTO must adequately explain the rejection or whether, in the absence of that explanation, Appellant has a duty to specifically point “out how the language of the claims patentably distinguishes them from the references.” § 132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” “Such information” was requested and not provided. Indeed Appellant’s explicit request in the Remarks was ignored in the Final Rejection. Therefore, if the claim is deemed offensive to §112, the rejection is improper under §132.

The propriety of the Examiner’s rejection under §132 is a distinct issue with respect to each claim. For efficiency, Appellant incorporates this argument by reference for each claim and will add any additional issues that may be applicable.

d. Claim 7 Has Not Been Shown to Be Indefinite

The rejection reasons that “the second web site doesn’t generate, nor perform further processing, using the encrypted identifier”, but claim 7 requires further processing as follows:

...attaching data identifying the financial transaction to an electronic communication transmitted to enable carrying out the financial transaction.

The Examiner has not explained why the added requirement of this claim would not constitute further processing, or the extent to which such processing is required for clarity under §112, and accordingly the rejection is defective pursuant to 35 U.S.C. § 132, which requires reasons for the rejection and additional information.

Accordingly the Examiner has not made out a case of prima facie unpatentability pursuant to § 112.

(a). Improper Rejection Under §132

§ 132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

e. Claim 8 Has Not Been Shown to Be Indefinite

The rejection reasons that “the second web site doesn’t generate, nor perform further processing, using the encrypted identifier”, but claim 8 requires further processing as follows:

...identifying a gift as the financial transaction to an Internet greeting card transmitted to enable carrying out the financial transaction.

The Examiner has not explained why the added requirement of this claim would not constitute further processing, or the extent to which such processing is required for clarity under § 112, and accordingly the rejection is defective pursuant to 35 U.S.C. § 132, which requires reasons for the rejection and additional information.

Accordingly the Examiner has not made out a case of prima facie unpatentability pursuant to § 112.

(a). Improper Rejection Under §132

§ 132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper

case of unpatentability.

f. Claim 9 Has Not Been Shown to Be Indefinite

The rejection reasons that “the second web site doesn’t generate, nor perform further processing, using the encrypted identifier”, but claim 9 requires further processing as follows:

...providing a gift certificate as the financial transaction.

The Examiner has not explained why the added requirement of this claim would not constitute further processing, or the extent to which such processing is required for clarity under § 112, and accordingly the rejection is defective pursuant to 35 U.S.C. § 132, which requires reasons for the rejection and additional information.

Accordingly the Examiner has not made out a case of prima facie unpatentability pursuant to § 112.

(a). Improper Rejection Under §132

§ 132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

g. Claim 10 Has Not Been Shown to Be Indefinite

The rejection reasons that “the second web site doesn’t generate, nor perform further processing, using the encrypted identifier”, but claim 10 requires further processing as follows:

...providing a coupon as the financial transaction.

The Examiner has not explained why the added requirement of this claim would

not constitute further processing, or the extent to which such processing is required for clarity under § 112, and accordingly the rejection is defective pursuant to 35 U.S.C. § 132, which requires reasons for the rejection and additional information.

Accordingly the Examiner has not made out a case of prima facie unpatentability pursuant to § 112.

(a). Improper Rejection Under §132

§ 132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

h. Claim 11 Has Not Been Shown to Be Indefinite

The rejection reasons that “the second web site doesn’t generate, nor perform further processing, using the encrypted identifier”, but claim 11 requires further processing as follows:

... providing a rebate as the financial transaction.

The Examiner has not explained why the added requirement of this claim would not constitute further processing, or the extent to which such processing is required for clarity under § 112, and accordingly the rejection is defective pursuant to 35 U.S.C. § 132, which requires reasons for the rejection and additional information.

Accordingly the Examiner has not made out a case of prima facie unpatentability pursuant to § 112.

(a). Improper Rejection Under §132

§ 132 requires that the PTO provide “such information as may be useful in judging

the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

i. Claim 12 Has Not Been Shown to Be Indefinite

The rejection reasons that “the second web site doesn’t generate, nor perform further processing, using the encrypted identifier”, but claim 12 requires further processing as follows:

...conveying money as the financial transaction.

The Examiner has not explained why the added requirement of this claim would not constitute further processing, or the extent to which such processing is required for clarity under § 112, and accordingly the rejection is defective pursuant to 35 U.S.C. § 132, which requires reasons for the rejection and additional information.

Accordingly the Examiner has not made out a case of prima facie unpatentability pursuant to § 112.

(a). Improper Rejection Under §132

§ 132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

j. Claim 13 Has Not Been Shown to Be Indefinite

The rejection reasons that “the second web site doesn’t generate, nor perform

further processing, using the encrypted identifier”, but claim 13 requires further processing as follows:

...providing a cash surrogate as the financial transaction.

The Examiner has not explained why the added requirement of this claim would not constitute further processing, or the extent to which such processing is required for clarity under § 112, and accordingly the rejection is defective pursuant to 35 U.S.C. § 132, which requires reasons for the rejection and additional information.

Accordingly the Examiner has not made out a case of prima facie unpatentability pursuant to §112.

(a). Improper Rejection Under §132

§132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

k. Claim 14 Has Not Been Shown to Be Indefinite

The rejection reasons that “the second web site doesn’t generate, nor perform further processing, using the encrypted identifier”, but claim 14 requires further processing as follows:

...issuing a stored value vehicle as the financial transaction.

The Examiner has not explained why the added requirement of this claim would not constitute further processing, or the extent to which such processing is required for clarity under § 112, and accordingly the rejection is defective pursuant to 35 U.S.C. § 132, which requires reasons for the rejection and additional information.

Accordingly the Examiner has not made out a case of prima facie unpatentability pursuant to § 112.

(a). Improper Rejection Under §132

§ 132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

I. Claim 15 Has Not Been Shown to Be Indefinite

The rejection reasons that “the second web site doesn’t generate, nor perform further processing, using the encrypted identifier”, but claim 15 requires further processing as follows:

...facilitating the financial transaction with a computer communication from an intermediary from the group consisting of a broker, agent, and middleman.

The Examiner has not explained why the added requirement of this claim would not constitute further processing, or the extent to which such processing is required for clarity under § 112, and accordingly the rejection is defective pursuant to 35 U.S.C. § 132, which requires reasons for the rejection and additional information.

Accordingly the Examiner has not made out a case of prima facie unpatentability pursuant to § 112.

(a). Improper Rejection Under §132

§132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the

independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

m. Claim 16 Has Not Been Shown to Be Indefinite

The rejection reasons that “the second web site doesn’t generate, nor perform further processing, using the encrypted identifier”, but claim 16 requires further processing as follows:

...executing a card account to carry out the financial transaction.

The Examiner has not explained why the added requirement of this claim would not constitute further processing, or the extent to which such processing is required for clarity under § 112, and accordingly the rejection is defective pursuant to 35 U.S.C. § 132, which requires reasons for the rejection and additional information.

Accordingly the Examiner has not made out a case of prima facie unpatentability pursuant to § 112.

(a). Improper Rejection Under §132

§132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

n. Claim 17 Has Not Been Shown to Be Indefinite

The rejection reasons that “the second web site doesn’t generate, nor perform further processing, using the encrypted identifier”, but claim 17 requires further processing as follows:

...employing a wallet-enabled browser to communicate some of the data.

The Examiner has not explained why the added requirement of this claim would not constitute further processing, or the extent to which such processing is required for clarity under § 112, and accordingly the rejection is defective pursuant to 35 U.S.C. § 132, which requires reasons for the rejection and additional information.

Accordingly the Examiner has not made out a case of prima facie unpatentability pursuant to § 112.

(a). Improper Rejection Under §132

§132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

o. Claim 18 Has Not Been Shown to Be Indefinite

The rejection reasons that “the second web site doesn’t generate, nor perform further processing, using the encrypted identifier”, but claim 18 requires further processing as follows:

...accessing a bank account to make a payment for the financial transaction.

The Examiner has not explained why the added requirement of this claim would not constitute further processing, or the extent to which such processing is required for clarity under § 112, and accordingly the rejection is defective pursuant to 35 U.S.C. § 132, which requires reasons for the rejection and additional information.

Accordingly the Examiner has not made out a case of prima facie unpatentability pursuant to § 112.

(a). Improper Rejection Under §132

§ 132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

p. Claim 20 Has Not Been Shown to Be Indefinite

The rejection reasons that “the second web site doesn’t generate, nor perform further processing, using the encrypted identifier”, but claim 20 requires further processing as follows:

...encrypting with private key to private key encryption.

The Examiner has not explained why the added requirement of this claim would not constitute further processing, or the extent to which such processing is required for clarity under §112, and accordingly the rejection is defective pursuant to 35 U.S.C. §132, which requires reasons for the rejection and additional information.

Accordingly the Examiner has not made out a case of prima facie unpatentability pursuant to §112.

(a). Improper Rejection Under §132

§132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under §132. For this reason too, the Examiner has not made out a proper case of unpatentability.

q. Claims 19 and 20 Have Not Been Shown to be Indefinite

The Examiner has rejected claims 19 and 20 pursuant to 35 U.S.C. §112, second paragraph. In the Office Action of May 5, 2005, at page 4, Paragraph 4(b), the Examiner contends that claims 19-20 are indefinite because the claim language encrypting some of the data with private key to private key encryption is not clear as to what cryptographic method is being used.

In the Office Action at page 2, Para. 2, the Examiner explains:

Data can be encrypted using asymmetric or symmetric algorithms. Data can also be encrypted multiple times, using multiple keys and/or by combining algorithms using various mathematical underpinnings (e.g., primes, elliptic, curves, quantum theory).

The §112 rejection is respectfully traversed. First, the rejection is based on breadth, not indefiniteness. **Any private key to private key encryption**, in the context of the claim as a whole, meets the requirement of the claims. Breadth is not indefiniteness pursuant to 35 U.S.C. §112, second paragraph. Second, the Examiner is contravening the MPEP §2173.02 direction that if “the examiner merely wants the applicant to improve the clarity or precision of the language used, the claim must not be rejected under 35 U.S.C. 112, second paragraph.” If the Examiner were to comply with MPEP §2173.02, the suggestion would apparently pertain to “the cryptographic method” (Final Rejection page 4, paragraph 4(b), which is directed to claim breadth and which is not a proper basis for a §112 rejection.

Accordingly the Examiner has not made out a case of prima facie unpatentability pursuant to §112.

(a). Improper Rejection Under §132

§132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the

independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under §132. For this reason too, the Examiner has not made out a proper case of unpatentability.

r. Claim 19 Has Not Been Shown to be Indefinite

As set out above, the Examiner has rejected claim 19 pursuant to 35 U.S.C. §112, second paragraph. Unlike the rejection of claim 20, addressed above, claim 19 depends from claim 2, which has not been rejected pursuant to §112. The argument set forth above is repeated here regarding claims 19-20 (and breadth not constituting indefiniteness). Further, the claim language encrypting some of the data with private key to private key encryption has not been shown to be incompliant with §112 when the requirement is dependent from claim 2, and thus further limits a claim that has not been alleged to be noncompliant with §112.

Accordingly the Examiner has not made out a case of prima facie unpatentability pursuant to §112.

(a). Improper Rejection Under §132

§132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under §132. For this reason too, the Examiner has not made out a proper case of unpatentability.

s. Summary

The rejection is premised on a failure to consider the claim as a whole and by confusing breadth with indefiniteness. Accordingly, the PTO has not made out a prima facie case that each of claims 1, 7--20 are unpatentable pursuant to 35 U.S.C. §112, second paragraph. The PTO burden for denying a patent based on §112, second paragraph, has not been satisfied.

Further, Appellant explicitly requested "such additional information" pursuant to 35 U.S.C. §132, and the request was ignored in the Examiner's Final Rejection. Thus, if any claim is found to have a §112 problem (and it is believed that no claim has such a problem), the rejection is nonetheless improper pursuant to §132.

C. Secs. 102 and 103

1. Legal Standards

a. § 102

The legal standard for determining anticipation pursuant to 35 U.S.C. §102 was stated in *Structural Rubber Prod. Co. v. Park Rubber Co.*, 749 F.2d 707, 223 USPO 1264 (Fed. Cir. 1984)

"Anticipation can only be established by a single prior art reference which discloses each and every element of the claimed invention. Anticipation is not shown even if ...the differences between the claims and the prior art references are "insubstantial" and the missing elements could be supplied by the knowledge of one skilled in the art."

and *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990):

"For a prior art reference to anticipate in terms of 35 U.S.C. § 102, every element of the claimed invention must be identically shown in a single reference...."

b. § 103

The legal standard for determining obviousness pursuant to 35 U.S.C. § 103 includes three factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1 (1966). The U.S. Supreme Court held that in applying Section 103, "the scope of the prior art is to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the art is to be ascertained." *Deere* at 17. Accordingly, the CCPA has ruled that 35 U.S.C. § 103 places the burden on the PTO to establish obviousness. *In re Reuter*, 651 F.2d 751, 210 U.S.P.Q. 249 (CCPA 1981).

In rejecting claims under 35 U.S.C. § 103, an examiner bears the initial burden of presenting a *prima facie* case of obviousness. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992). Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant. *Id.*

"A *prima facie* case of obviousness is established when the teachings from the prior art itself would appear to have suggested the claimed subject matter to a person of ordinary skill in the art." *In re Bell*, 991 F.2d 781, 782, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993) (quoting *In re Rinehart*, 531 F.2d 1048, 1051, 189 U.S.P.Q. 143, 147 (CCPA 1976)).

When making a determination concerning obviousness, all limitations of the claim must be evaluated. 35 U.S.C. 103, *In re Miller*, 418 F.2d 1392, 64 USPQ 46 (CCPA 1969). See also *In re Fine*, 873 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). There must be some logical reason apparent from the record that would justify modification of the reference. *In re Royal* 188 USPQ 132 (CCPA 1975).

A conclusion of obviousness must be based on more than one reference. However, in reaching this conclusion, the Examiner cannot just pick and choose only as much as will support a given position, because that would constitute impermissible hindsight. *In re Clayton*, 205 USPQ 269 (PTO Bd of App. 1979).

Moreover, a combination of references to obviate a claim is improper unless the prior art suggests the combination or modification. More specifically, before the PTO can combine the disclosure of two or more references in order to establish *prima facie* obviousness, there must be some suggestion for doing so, found in the references themselves or in the knowledge generally available to the person skilled in the art. *In re Jones* 21 USPQ2d 1941 (Fed. Cir. 1992).

If the Examiner fails to establish a *prima facie* case, the rejection is improper and will be overturned. *In re Fine*, 837 F.2d 1071, 1074, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988).

c. **§ 132**

The legal standard pursuant to 35 U.S.C. § 132 has been set out above.

2. **The Examiner Has Not Shown That Any of Claims 1-21 are Unpatentable Pursuant to 35 U.S.C. § 102(b) or 103**

All art rejections are erroneous as premised on claim misinterpretation. In understanding the Examiner's interpretation of the claims, Board attention is respectfully drawn to the Final Rejection, Para. 9, pp. 7-8, where the Examiner contends that:

Gabber et al provide [sic] a method and system to allow a user to securely purchase goods and services over the Internet... Gift certificates, coupons, rebates and the like are all goods and services, therefore it would have been obvious... to procure, obtain, send and/or redeem certificates, coupons, etc. using the teachings of Gabber.

Board attention is now respectfully drawn to independent claims 2-3, where a financial transaction is positively recited as separate and in addition to from a purchase. The Examiner's rejections herein confuse these two as being one, e.g., the Examiner contends that Gabber teaches purchasing "certificates, coupons, etc." as contrasted using them and the like to make the purchase.

The term transaction is identical in claims 2-3, so claim 1 must be interpreted consistent with claims 2-3, especially in view of dependant claims such as claim 12, as well as the specification. For example, claim 12, which depends from claims 1-3, requires that conveying money as the financial transaction. Under the Examiner's manner of construing the claims, money would somehow constitute goods and services being purchased, and a user would be purchasing money. This makes no sense. The Examiner's construing of the claims does not account for the separate positive recitals of a financial transaction and a purchase.

Flowing from this misconstruing of the claims, all art rejections of each and every claim fail because there is no showing of the financial transaction as claimed. The Examiner has instead seemingly focused on Gabber's manner of carrying out a purchase. To ensure this point is

applied all claims but also to the individual claims, this argument is incorporated by reference into the art rejection arguments respectively for each claim. Nonetheless, the Examiner has misconstrued all claims, and as a consequence, has not made out a case of prima facie anticipation or obviousness as any of claims 1-21.

a. Improper Rejection Under §132

§132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under §132. For this reason too, the Examiner has not made out a proper case of unpatentability.

D. § 102

1. Legal Standard

a. § 102

The legal standard for determining anticipation pursuant to 35 U.S.C. § 102 has been set out above.

b. § 132

The legal standard pursuant to 35 U.S.C. § 132 has been set out above.

1. The Examiner Has Not Shown That Each of Claims 1-7, 15, 16, and 18-21 Are Unpatentable Pursuant to 35 U.S.C. § 102(B)

a. Overview

The Examiner has rejected claims 1-7, 15, 16, and 18-21 pursuant to 35 U.S.C. § 102(b). In the Office Action of May 5, 2005, at page 5, Para. 6, the Examiner contends that U.S. Patent No 5,961,593 (“Gabber”) anticipates these claims. More particularly the Examiner contends that Gabber teaches the claimed providing a first web site having identifier data at Fig.

3, and the claimed encrypting the identifier data at Col. 8, lines 17-34 and Col. 8, line 63- Col. 9, line 49.

In understanding the rejections in connection with the non-appendix portion of the specification, the Board may wish to particularly refer to page 21, lines 8-16. With regard to the appendix code, and if the Board deems it helpful, it may wish to consider a suitable dictionary reference for a GUID, such as the definition below:

GUIDI is an acronym derived from **Globally Unique Identifier**. A GUID is a unique 128-bit number that is produced by a computer program, such as a web application, to identify a particular transaction, software component, application, file, database entry, and/or user. For instance, a Web site may generate a GUID and assign it to a user's browser to record and track the session. GUIDs can be created in a number of ways, but usually they are derived from existing unique identifiers available to a computer program, such as an IP address or an ethernet media access control address. Often one of the foregoing unique identifiers is combined with the current date and time to create the full GUID.

The term GUID is a Microsoft version of the Universally Unique Identifier (UUID) defined by the Open Software Foundation. Below are some links to common information resources that provide additional detail. The most authoritative is the proposed standard set forth by the Internet Engineering Task Force (IETF). The IETF is the organization responsible for originating a Request for Comment (RFC) that may eventually be promulgated to an official IETF standard, or rejected. Nearly all Internet protocol standards are established and maintained through the IETF.

The following link leads to the Item's RFC regarding UUIDs:

<http://www.ietf.org/rfc/rfc4122.txt>

The following link leads to a larger discussion of UUIDs and Microsoft's GUID version of the same:

http://en.wikipedia.org/wiki/Universally_Unique_Identifier

While the instant patent application stands on its own, the foregoing is set out only should the Board find it helpful.

b. Claims 1-7, 15, 16, and 18-20 Have Not Been Shown to be Anticipated By Gabber

i. Claim 1 Has Not Been Shown to Be Anticipated By Gabber

With regard to claim 1 and its dependents 2-7, 15, 16, and 18-20, the rejection is respectfully traversed in view of the above-mentioned absence of any teaching of the claimed financial transaction and further at least because Gabber does not teach the claimed providing a first web site having identifier data or any use of such data, as claimed.

It is one thing to provide a web site having data and another to provide a web site where a user can enter data. The claim requires data provided by the computer programming that enables the first web site and is not the same as data entered by an end user. The Office Action relies on Gabber's user data and therefore does not meet this claim limitation.

Similarly, providing a web site having identifier data that is encrypted (the claim) is not the same as providing a web site that enables users to encrypt their own data (Gabber), at least because Gabber's user-entered data is not a teaching of a web site having identifier data.

In view of the above-mentioned absence of any teaching of the claimed financial transaction and further because Gabber teaches encrypting the user-entered data, but does not teach or suggest the providing a first web site having identifier data and encrypting the identifier data, etc., the Examiner has not made out a prima facie case of statutory anticipation of the claims based on the evidence.

a. Improper Rejection Under § 132

§ 132 requires that the PTO provide "such information as may be useful in judging the propriety of continuing prosecution." Such information was not provided, and indeed Appellant's Response on this point was ignored. Appellant explicitly requested "such information" at page 3 of the Response to the Office Action, and the Examiner ignored the request. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of

unpatentability.

ii. Claim 2 Has Not Been Shown To Be Anticipated By Gabber

With regard to claim 2 and its dependents, the rejection is respectfully traversed in view of the above-mentioned absence of any teaching of the claimed financial transaction in combination with the positively recited purchase and further at least because Gabber does not teach the claimed ...reconciling a payment for the purchase invisibly to the purchaser by using payment data communicated by the browser to implement the financial transaction as claimed.

Gabber teaches at Col. 6, lines 42-49 that “all users must send user specific information... e.g., credit card numbers... The Examiner has not explained how the payment data could be handled invisibly to the purchaser if the user had to enter the data. See Gabber at Col. 6, lines 65-67; Col. 8, lines 31-33. Also, nothing in Gabber teaches the ...reconciling a payment for the purchase invisibly to the purchaser by using payment data communicated by the browser to implement the financial transaction. The Office Action citations in Gabber do not seem to pertain to using payment data communicated by the browser to implement the financial transaction either. In any case, therefore (and further in view of the above-mentioned absence of any teaching of the claimed financial transaction in combination with the purchase), the Examiner has not made out a case of prima facie statutory anticipation of the claims based on the evidence of Gabber.

a. Improper Rejection Under § 132

§ 132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper

case of unpatentability.

iii. Claim 3 Has Not Been Shown To Be Anticipated By Gabber

With regard to claim 3 and its dependents, the rejection is respectfully traversed in view of the above-mentioned absence of any teaching of the claimed financial transaction in combination with the positively recited purchase and further at least because Gabber does not teach the claimed ...triggering communication of real-time payment... without customer intervention... as claimed. Gabber appears to teach that the triggering communication of real-time payment... WITH customer intervention... not without as claimed. That is, the customer intervenes in a triggering manner. However, the triggering at issue in Gabber is not in the context of Appellant's claim as a whole, or even in using a computerized customer order to implement the financial transaction by triggering....

a. Improper Rejection Under § 132

§ 132 requires that the PTO provide "such information as may be useful in judging the propriety of continuing prosecution." Such information was not provided, and indeed Appellant's Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

iv. Claim 4 Has Not Been Shown To Be Anticipated by Gabber

Appellant incorporates the non-anticipation arguments set forth with regard to claim 3 upon which this claim depends, and supplements those arguments to the particular requirements of this claim. There additionally has been no showing that Gabber teaches that the claimed triggering step is carried out over a proxy server. Therefore, and for all the other reasons pertaining to the claim upon which this claim depends, a prima-facie case of anticipation

has not been shown.

a. Improper Rejection Under § 132

§ 132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

v. Claim 5 Has Not Been Shown To Be Anticipated by Gabber

Appellant incorporates the non-anticipation arguments set forth with regard to claim 3 upon which this claim depends, and supplements those arguments to the particular requirements of this claim. There has been no showing that Gabber teaches that the claimed triggering step is carried out over an Internet-type network. Therefore, and for all the other reasons pertaining to the claim upon which this claim depends, a prima-facie case of anticipation has not been shown.

a. Improper Rejection Under § 132

§ 132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

vi. Claim 6 Has Not Been Shown To Be Anticipated by Gabber

Appellant incorporates the non-anticipation arguments set forth with regard to

claims 2-3 upon which this claim multiply depends, and supplements those arguments respectively to the particular requirements of this claim. There has been no showing that Gabber teaches that the claimed encrypting the data wherein the data further defines the payment data communicated by the browser to implement the financial transaction (claim 2) or the real-time payment data from a non-customer computer to a vendor computer.... Gabber of course does not teach the claimed financial transaction in combination with a purchase, and so cannot teach the data corresponding thereto. Gabber's encrypting at Col. 9, line 25, is not of the data required in Appellant's claims. Therefore, and for all the other reasons pertaining to the claim upon which this claim depends, a prima-facie case of anticipation has not been shown.

a. Improper Rejection Under § 132

§ 132 requires that the PTO provide "such information as may be useful in judging the propriety of continuing prosecution." Such information was not provided, and indeed Appellant's Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

vii. Claim 7 Has Not Been Shown To Be Anticipated By Gabber

Appellant incorporates the non-anticipation arguments set forth with regard to claims upon which this claim multiply depends, and supplements those arguments respectively to the particular requirements of this claim. The Final Rejection makes no allegation as to the reason why claim 7 is deemed anticipated. See Final Rejection pages 5-6. However, in the Office Action at page 7, in contending that Claim 7 is obvious, the Examiner concedes that "Gabber et al. does not specifically recite the use of attaching data for identifying a transaction to facilitate the transaction." In view of the Examiner's admission, statutory anticipation has not

been shown. Therefore, and for all the other reasons pertaining to the claim upon which this claim depends, a prima-facie case of anticipation has not been shown.

a. Improper Rejection Under § 132

§ 132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

viii. Claim 15 Has Not Been Shown To Be Anticipated By Gabber

Appellant incorporates the non-anticipation arguments set forth with regard to claims upon which this claim multiply depends, and supplements those arguments respectively to the particular requirements of this claim. The citations to Gabber concerning the claimed facilitating the financial transaction with a computer communication from an intermediary from the group consisting of a broker, agent, and middleman are insufficient at least because the claimed transaction has not been shown in Gabber. More so, the Examiner appears to be making some inference that such as NETCOM or AOL (Gabber Col. 6, line 52-54) is a teaching of a broker, agent, and middleman. This is an examiner inference rather than sufficient evidence under § 102. For example, there is no teaching that such as NETCOM is an agent or a broker or a middleman in facilitating the financial transaction. Therefore, and for all the other reasons pertaining to the claim upon which this claim depends, a prima-facie case of anticipation has not been shown.

a. Improper Rejection Under § 132

§ 132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s

Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

ix. Claim 16 Has Not Been Shown To Be Anticipated by Gabber

Appellant incorporates the non-anticipation arguments set forth with regard to claims upon which this claim multiply depends, and supplements those arguments respectively to the particular requirements of this claim. The citations to Gabber concerning the claimed executing a card account to carry out the financial transaction are insufficient at least because the claimed transaction has not been shown in Gabber. The Examiner seems to be contending that a card account is accessed in making a purchase under Gabber, but that is not the same as the claimed executing a card account to carry out the financial transaction. Therefore, and for all the other reasons pertaining to the claim upon which this claim depends, a prima-facie case of anticipation has not been shown.

a. Improper Rejection Under § 132

§ 132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

x. Claim 18 Has Not Been Shown To Be Anticipated by Gabber

Appellant incorporates the non-anticipation arguments set forth with regard to claims upon which this claim multiply depends, and supplements those arguments respectively to

the particular requirements of this claim. The citations to Gabber concerning the claimed accessing a bank account to make a payment for the financial transaction are insufficient at least because the claimed transaction has not been shown in Gabber. The Examiner seems to be contending that a bank payment is being used in making a purchase under Gabber, but that is not the same as the claimed accessing a bank account to make a payment for the financial transaction. Therefore, and for all the other reasons pertaining to the claim upon which this claim depends, a prima-facie case of anticipation has not been shown.

a. Improper Rejection Under § 132

§ 132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

xi. Claim 19 Has Not Been Shown To Be Anticipated by Gabber

Appellant incorporates the non-anticipation arguments set forth with regard to claims upon which this claim multiply depends, and supplements those arguments to the particular requirements of this claim. Gabber does not teach private key to private key encryption of the particular data specified in the claims from which claim 19 depends. Therefore, and for all the other reasons pertaining to the claim upon which this claim depends, a prima-facie case of anticipation has not been shown.

a. Improper Rejection Under § 132

§ 132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s

Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

xii. Claim 20 Has Not Been Shown To Be Anticipated by Gabber

Appellant incorporates the non-anticipation arguments set forth with regard to claim 1 from which this claim, and supplements those arguments to the particular requirements of this claim. Gabber does not teach private key to private key encryption of the particular data specified in claim 1. Therefore, and for all the other reasons pertaining to the claim upon which this claim depends, a prima-facie case of anticipation has not been shown.

a. Improper Rejection Under § 132

§ 132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

c. Claim 21 Has Not Been Shown to be Anticipated By Gabber

With regard to claim 21, the rejection is respectfully traversed in view of the above-mentioned absence of any teaching of the claimed financial transaction in combination with a purchase and further at least because Gabber does not teach the claimed using a browser to communicate value conveyance data or any aspect of the claimed value conveyance data.

With regard to the meaning of using a browser to communicate value conveyance data, the specification teaches, at page 19, line 21 – page 20, line 12:

At this point the "gift certificate" itself may also be created, and the amount of money allocated to "certificate value" is the positive balance established for the gift certificate. From the Merchant Partners (sites that accept the "gift certificate," and in this case are shown on the "Gift Certificate Page" mentioned below) perspective, the payment is presented as a Visa or other stored value card. The present embodiment of the invention uses a "block" of potential debit card numbers provided by a merchant bank and through Wild Card Systems of Boca Raton. These debit card numbers can be "charged up" at will for any amount of money. Alternative ways to apply the invention include using this stored value card and the system 1 of passing along the encrypted payment information as an incentive, such as a coupon good for part of a purchase price or a rebate for purchasing specific products or services. Another way to employ this invention is for the recipient of the financial transfer to deposit the value conveyed through the stored value instrument in their own bank or other form of savings account or online financial management solution. In this way, one person can **convey value** in the form of **a cash surrogate** (a stored value Visa card) from one person to another person such that the value can be redeemed by the recipient without a merchant account or other form of recipient relationship with a financial institution.

(italics and bolding added). See the further discussion of using an electronic gift certificate in the form of a Visa stored value card, through page 21 of the specification. See also the appendix code related to Fig. 13. Further, original claims 12 and 13 distinguish money from a cash surrogate, and claim 14 expressly requires a stored value vehicle. Other originally filed claims teach gift certificate, coupon, rebate, etc. too.

Accordingly, in the specification (see too appendix) value conveyance data corresponds to *cash surrogate* data, e.g., a gift certificate, coupon, rebate, and stored value card data.

Gabber mentions a credit card, as noted by the Examiner. However, credit is not a teaching of a cash surrogate. Because Gabber does not disclose the claimed using a browser to communicate value conveyance data nor does Gabber disclose any value conveyance means or method relating thereto, anticipation has not been shown.

Further, because value conveyance is set forth in all claim steps, Gabber teaches none of the steps.

Additionally, Gabber has not been shown to teach reconciling the value

conveyance for the redemption invisibly to the recipient by using the value conveyance data communicated by the browser at least because invisibility and the redemption are not mentioned in Gabber. Therefore, and for all the other reasons pertaining to the claim upon which this claim depends, a prima-facie case of anticipation has not been shown.

i. Improper Rejection Under § 132

§ 132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

d. Summary

The § 102 rejection is traversed, respectfully, because every element of the claimed invention has not been identically shown in a single reference, i.e., Gabber. The claimed financial transaction has been overlooked along with other claim limitations. Though it is believed that the claims have not been shown as anticipated by Gabber, even if any is deemed anticipated prima facie, the rejection was nonetheless improper pursuant to § 132.

E. Sec. 103

1. Legal Standard

a. Sec. 103

The legal standard for determining obviousness pursuant to Sec. 103 has been set out above.

b. Sec. 132

The legal standard for proper examination pursuant to Sec. 132 has been set out above.

**2. The Examiner Has Not Shown That Each of Claims 7, 8-14, and 17
Are Unpatentable Pursuant to 35 U.S.C. Sec. 103**

a. Overview

As pointed out above, pervasive in all art rejections is the absence of a teaching of the financial transaction as claimed. This missing piece in the cited art renders all obviousness rejection unsustainable. The argument on the point is incorporated here by reference to the group of claims and to each individually as supplemented with the particulars of each claim discussed below.

**b. Claim 7 Has Not Been Shown to be Obvious Over Gabber in
view of Ogram**

With regard to claim 7, the rejection is respectfully traversed in view of the above-mentioned absence of any teaching of the claimed financial transaction as a notion distinct from with a purchase and further at least because the combination of Gabber and Ogram does not make sense when the claim limitations of the dependent claim are integrated with the limitations of the independent claims. That is, the data in claim 7 pertains in claim 3 to data from a non-customer computer while the Examiner says that the combination pertains to a “purchase.” Final Rejection at Page 7. The same is true for reading claim 14 as pertaining to the data set out in the independent claims 1-2: This is not the same data as required in the claims. All this all flows from confusion as to the financial transaction vis-a-vis the purchase.

The reason to combine is improper at least because it is premised on incompatible interpretations of the meaning of transaction and contradictory teachings as to how to implement purchases. Neither Gabber nor Ogram teach the transaction required in Appellant’s claims, so combining the teachings cannot lead to prima facie obviousness.

i. Improper Rejection Under § 132

§ 132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s

Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

c. Claim 8 Has Not Been Shown to be Obvious Over Gabber

The Examiner argues (Final Rejection, Para. 9, pp. 7-8) that:

Gabber et al provide [sic] a method and system to allow a user to securely purchase goods and services over the Internet... Gift certificates, coupons, rebates and the like are all goods and services, therefore it would have been obvious... to procure, obtain, send and/or redeem certificates, coupons, etc. using the teachings of Gabber, and, further *the mere automation of this process would have been an obvious modification...*

Of course the claims require more than a mere modification of Gabber – indeed the Examiner has shown no art whatsoever wherein the positively recited financial transaction is disclosed in combination with the positively recited purchase. But in the absence of citing some combinable teaching of the claimed data identifying a gift as the financial transaction to an Internet greeting card transmitted to enable carrying out the financial transaction, the Examiner relies on empty assertion and *in re Venner*.

This is not a showing of statutory obviousness pursuant to Sec. 103. In *Venner*, all limitations in the claims were disclosed in the applied references. See *Venner*, 262 F.2d at 96, 120 USPQ at 195. In the present case, unlike in *Venner*, the Examiner has not provided a reference which discloses the claim step. Instead the Examiner relies on a per se rule that providing the mere automation would have been an obvious modification (of a process not shown in the cited art). As stated by the Federal Circuit in *In re Ochiai*, 71 F.3d 1565, 1572, 37 USPQ2d 1127, 1133 (Fed. Cir. 1995), “reliance on per se rules of obviousness is legally incorrect and must cease.” Because no cited art teaches or suggests all claim requirements, no combination can teach or suggest them, and thus the evidence upon which the obviousness rejection is based

is inadequate for a prima facie case of obviousness.

i. Improper Rejection Under § 132

§ 132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

d. Claim 9 Has Not Been Shown to be Obvious Over Gabber

The Examiner argues (Final Rejection, Para. 9, pp. 7-8) that:

Gabber et al provide [sic] a method and system to allow a user to securely purchase goods and services over the Internet... Gift certificates, coupons, rebates and the like are all goods and services, therefore it would have been obvious... to procure, obtain, send and/or redeem certificates, coupons, etc. using the teachings of Gabber, and, further *the mere automation of this process would have been an obvious modification...*

Of course the claims require more than a mere modification of Gabber – indeed the Examiner has shown no art whatsoever wherein the positively recited financial transaction is disclosed in combination with the positively recited purchase. But in the absence of citing some combinable teaching of the claimed providing a gift certificate as the financial transaction, the Examiner relies on empty assertion and *in re Venner*.

This is not a showing of statutory obviousness pursuant to Sec. 103. In *Venner*, all limitations in the claims were disclosed in the applied references. See *Venner*, 262 F.2d at 96, 120 USPQ at 195. In the present case, unlike in *Venner*, the Examiner has not provided a reference which discloses the claim step. Instead the Examiner relies on a per se rule that providing the mere automation would have been an obvious modification (of a process not shown in the cited art). As stated by the Federal Circuit in *In re Ochiai*, 71 F.3d 1565, 1572, 37 USPQ2d

1127, 1133 (Fed. Cir. 1995), “reliance on per se rules of obviousness is legally incorrect and must cease.” Because no cited art teaches or suggests all claim requirements, no combination can teach or suggest them, and thus the evidence upon which the obviousness rejection is based is inadequate for a prima facie case of obviousness.

i. Improper Rejection Under § 132

§ 132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

e. Claim 10 Has Not Been Shown to be Obvious Over Gabber

The Examiner argues (Final Rejection, Para. 9, pp. 7-8) that:

Gabber et al provide [sic] a method and system to allow a user to securely purchase goods and services over the Internet... Gift certificates, coupons, rebates and the like are all goods and services, therefore it would have been obvious... to procure, obtain, send and/or redeem certificates, coupons, etc. using the teachings of Gabber, and, further *the mere automation of this process would have been an obvious modification...*

Of course the claims require more than a mere modification of Gabber – indeed the Examiner has shown no art whatsoever wherein the positively recited financial transaction is disclosed in combination with the positively recited purchase. But in the absence of citing some combinable teaching of the claimed providing a coupon as the financial transaction, the Examiner relies on empty assertion and *in re Venner*.

This is not a showing of statutory obviousness pursuant to Sec. 103. In *Venner*, all limitations in the claims were disclosed in the applied references. See *Venner*, 262 F.2d at 96, 120 USPQ at 195. In the present case, unlike in *Venner*, the Examiner has not provided a

reference which discloses the claim step. Instead the Examiner relies on a per se rule that providing the mere automation would have been an obvious modification (of a process not shown in the cited art). As stated by the Federal Circuit in *In re Ochiai*, 71 F.3d 1565, 1572, 37 USPQ2d 1127, 1133 (Fed. Cir. 1995), "reliance on per se rules of obviousness is legally incorrect and must cease." Because no cited art teaches or suggests all claim requirements, no combination can teach or suggest them, and thus the evidence upon which the obviousness rejection is based is inadequate for a prima facie case of obviousness.

i. Improper Rejection Under § 132

§ 132 requires that the PTO provide "such information as may be useful in judging the propriety of continuing prosecution." Such information was not provided, and indeed Appellant's Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

f. Claim 11 Has Not Been Shown to be Obvious Over Gabber

The Examiner argues (Final Rejection, Para. 9, pp. 7-8) that:

Gabber et al provide [sic] a method and system to allow a user to securely purchase goods and services over the Internet... Gift certificates, coupons, rebates and the like are all goods and services, therefore it would have been obvious... to procure, obtain, send and/or redeem certificates, coupons, etc. using the teachings of Gabber, and, further *the mere automation of this process would have been an obvious modification...*

Of course the claims require more than a mere modification of Gabber – indeed the Examiner has shown no art whatsoever wherein the positively recited financial transaction is disclosed in combination with the positively recited purchase. But in the absence of citing some combinable teaching of the claimed providing a rebate as the financial transaction, the Examiner relies on empty assertion and *in re Venner*.

This is not a showing of statutory obviousness pursuant to Sec. 103. In *Venner*, all limitations in the claims were disclosed in the applied references. See *Venner*, 262 F.2d at 96, 120 USPQ at 195. In the present case, unlike in *Venner*, the Examiner has not provided a reference which discloses the claim step. Instead the Examiner relies on a per se rule that providing the mere automation would have been an obvious modification (of a process not shown in the cited art). As stated by the Federal Circuit in *In re Ochiai*, 71 F.3d 1565, 1572, 37 USPQ2d 1127, 1133 (Fed. Cir. 1995), "reliance on per se rules of obviousness is legally incorrect and must cease." Because no cited art teaches or suggests all claim requirements, no combination can teach or suggest them, and thus the evidence upon which the obviousness rejection is based is inadequate for a prima facie case of obviousness.

i. Improper Rejection Under § 132

§ 132 requires that the PTO provide "such information as may be useful in judging the propriety of continuing prosecution." Such information was not provided, and indeed Appellant's Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

g. Claim 12 Has Not Been Shown to be Obvious Over Gabber

The Examiner argues (Final Rejection, Para. 9, pp. 7-8) that:

Gabber et al provide [sic] a method and system to allow a user to securely purchase goods and services over the Internet... Gift certificates, coupons, rebates and the like are all goods and services, therefore it would have been obvious... to procure, obtain, send and/or redeem certificates, coupons, etc. using the teachings of Gabber, and, further *the mere automation of this process would have been an obvious modification...*

Of course the claims require more than a mere modification of Gabber – indeed the Examiner has shown no art whatsoever wherein the positively recited financial transaction is

disclosed in combination with the positively recited purchase. But in the absence of citing some combinable teaching of the claimed conveying money as the financial transaction, the Examiner relies on empty assertion and *in re Venner*.

This is not a showing of statutory obviousness pursuant to Sec. 103. In *Venner*, all limitations in the claims were disclosed in the applied references. See *Venner*, 262 F.2d at 96, 120 USPQ at 195. In the present case, unlike in *Venner*, the Examiner has not provided a reference which discloses the claim step. Instead the Examiner relies on a per se rule that providing the mere automation would have been an obvious modification (of a process not shown in the cited art). As stated by the Federal Circuit in *In re Ochiai*, 71 F.3d 1565, 1572, 37 USPQ2d 1127, 1133 (Fed. Cir. 1995), "reliance on per se rules of obviousness is legally incorrect and must cease." Because no cited art teaches or suggests all claim requirements, no combination can teach or suggest them, and thus the evidence upon which the obviousness rejection is based is inadequate for a prima facie case of obviousness.

i. Improper Rejection Under § 132

§ 132 requires that the PTO provide "such information as may be useful in judging the propriety of continuing prosecution." Such information was not provided, and indeed Appellant's Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

h. Claim 13 Has Not Been Shown to be Obvious Over Gabber

The Examiner argues (Final Rejection, Para. 9, pp. 7-8) that:

Gabber et al provide [sic] a method and system to allow a user to securely purchase goods and services over the Internet... Gift certificates, coupons, rebates and the like are all goods and services, therefore it would have been obvious... to procure, obtain, send and/or redeem certificates, coupons, etc. using the teachings of

Gabber, and, further *the mere automation of this process would have been an obvious modification*...

Of course the claims require more than a mere modification of Gabber – indeed the Examiner has shown no art whatsoever wherein the positively recited financial transaction is disclosed in combination with the positively recited purchase. But in the absence of citing some combinable teaching of the claimed providing a cash surrogate as the financial transaction, the Examiner relies on empty assertion and *in re Venner*.

This is not a showing of statutory obviousness pursuant to Sec. 103. In *Venner*, all limitations in the claims were disclosed in the applied references. See *Venner*, 262 F.2d at 96, 120 USPQ at 195. In the present case, unlike in *Venner*, the Examiner has not provided a reference which discloses the claim step. Instead the Examiner relies on a per se rule that providing the mere automation would have been an obvious modification (of a process not shown in the cited art). As stated by the Federal Circuit in *In re Ochiai*, 71 F.3d 1565, 1572, 37 USPQ2d 1127, 1133 (Fed. Cir. 1995), “reliance on per se rules of obviousness is legally incorrect and must cease.” Because no cited art teaches or suggests all claim requirements, no combination can teach or suggest them, and thus the evidence upon which the obviousness rejection is based is inadequate for a prima facie case of obviousness.

i. **Improper Rejection Under § 132**

§ 132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

i. **Claim 14 Has Not Been Shown to be Obvious Over Gabber**

The Examiner argues (Final Rejection, Para. 9, pp. 7-8) that:

Gabber et al provide [sic] a method and system to allow a user to securely purchase goods and services over the Internet... Gift certificates, coupons, rebates and the like are all goods and services, therefore it would have been obvious... to procure, obtain, send and/or redeem certificates, coupons, etc. using the teachings of Gabber, and, further *the mere automation of this process would have been an obvious modification...*

Of course the claims require more than a mere modification of Gabber – indeed the Examiner has shown no art whatsoever wherein the positively recited financial transaction is disclosed in combination with the positively recited purchase. But in the absence of citing some combinable teaching of the claimed issuing a stored value vehicle as the financial transaction, the Examiner relies on empty assertion and *in re Venner*.

This is not a showing of statutory obviousness pursuant to Sec. 103. In *Venner*, all limitations in the claims were disclosed in the applied references. See *Venner*, 262 F.2d at 96, 120 USPQ at 195. In the present case, unlike in *Venner*, the Examiner has not provided a reference which discloses the claim step. Instead the Examiner relies on a per se rule that providing the mere automation would have been an obvious modification (of a process not shown in the cited art). As stated by the Federal Circuit in *In re Ochiai*, 71 F.3d 1565, 1572, 37 USPQ2d 1127, 1133 (Fed. Cir. 1995), “reliance on per se rules of obviousness is legally incorrect and must cease.” Because no cited art teaches or suggests all claim requirements, no combination can teach or suggest them, and thus the evidence upon which the obviousness rejection is based is inadequate for a prima facie case of obviousness.

i. **Improper Rejection Under § 132**

§ 132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the

independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

j. **Claim 17 Has Not Been Shown to be Obvious Over Gabber in view of Linehan**

The construct of Gabber and Linehan does not make sense when the claim limitations of the dependent claim are integrated with the limitations of the independent claims. That is, the data in claim 17 pertains in claim 3 to data from a non-customer computer while the Examiner says that the combination is to “communicate credit.. card data.. allow on line purchases.” Final Rejection at Page 9. The same is true for reading claim 14 as pertaining to the data set out in the independent claims 1-2: This is not the same data as required in the claims. All this all flows from confusion as to the financial transaction vis-a-vis the purchase.

The reason to combine is improper at least because it is premised on incompatible interpretations of the meaning of transaction. Neither Gabber nor Linehan teach the transaction required in Appellant’s claims, so combining the teachings cannot lead to prima facie obviousness.

i. **Improper Rejection Under § 132**

§ 132 requires that the PTO provide “such information as may be useful in judging the propriety of continuing prosecution.” Such information was not provided, and indeed Appellant’s Response on this point was ignored. Because the information was not provided as to the independent claim, the impropriety flows to the rejection of the dependent claim. Therefore, the rejection is improper under § 132. For this reason too, the Examiner has not made out a proper case of unpatentability.

k. **Summary**

The Final Rejection fails to set out a case of prima facie obviousness because all claim requirements have not been shown to have been in the cited art, such that no combination of

the cited art can satisfy all claim requirements. Much of this flows from the misconstruing of the claim requirement of a financial transaction. Accordingly, the PTO has not made out a prima facie case that each of the claims is unpatentable pursuant to 35 U.S.C. Sec.103.

Further, Appellant explicitly requested "such additional information" pursuant to 35 USC Sec. 132, and the request was ignored in the Examiner's Final Rejection. Thus, if any claim is found to have a Sec. 103 problem, and it is believed that a prima facie 103 rejection has not been made out for any claim, then the rejection is nonetheless improper pursuant to Sec. 132.

XI. CONCLUSION

Thus, for the reasons more fully set out above, all pending claims and the aforesaid groups of claims have not been shown unpatentable, and the rejection of them was in error, such that allowance is respectfully requested.

Respectfully submitted,



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Claims Appendix Pages

1. A method for using a computer system to implement a financial transaction, the method including the steps of:
 - providing a first web site having identifier data;
 - encrypting the identifier data;
 - using a URL to log on to a second web site, said log on using the encrypted identifier data for passing the encrypted identifier data to the second web site; and
 - implementing the financial transaction by using the encrypted identifier data from the second web site.
2. A method for using a computer system to implement a financial transaction, the method including the steps of:
 - using a browser to communicate payment data over the Internet;
 - implementing a purchase over the Internet with the payment data communicated by the browser; and
 - reconciling a payment for the purchase invisibly to the purchaser by using the payment data communicated by the browser to implement the financial transaction.
3. A method for using a computer system to implement a financial transaction, the method including the step of:
 - using a computerized customer order to implement the financial transaction by triggering a communication of real time payment data from a non-customer computer to a vendor computer without customer intervention.
4. The method of claim 3, wherein the triggering is carried out over a proxy

server.

5. The method of claim 3 further, wherein the triggering is carried out over an Internet-type network.

6. Any one of claims 2-3 further including the step of encrypting the data.

7. Any one of claims 1-3 further including the step of attaching data identifying the financial transaction to an electronic communication transmitted to enable carrying out the financial transaction.

8. Any one of claims 1-3 further including the step of attaching data identifying a gift as the financial transaction to an Internet greeting card transmitted to enable carrying out the financial transaction.

9. Any one of claims 1-3 further including the step of providing a gift certificate as the financial transaction.

10. Any one of claims 1-3 further including the step of providing a coupon as the financial transaction.

11. Any one of claims 1-3 further including the step of providing a rebate as the financial transaction.

12. Any one of claims 1-3 further including the step of conveying money as the

financial transaction.

13. Any one of claims 1-3 further including the step of providing a cash surrogate as the financial transaction.

14. Any one of claims 1-3 further including the step of issuing a stored value vehicle as the financial transaction.

15. Any one of claims 1-3 further including the step of facilitating the financial transaction with a computer communication from an intermediary from the group consisting of a broker, agent, and middleman.

16. Any one of claims 1-3 further including the step of executing a card account to carry out the financial transaction.

17. Any one of claims 1-3 further including the step of employing a wallet-enabled browser to communicate some of the data.

18. Any one of claims 1-3 further including the step of accessing a bank account to make a payment for the financial transaction.

19. Any one of claims 2-3 further including the step of encrypting some of the data with private key to private key encryption.

20. The method of claim 1, wherein the encrypting includes encrypting with

private key to private key encryption.

21. A method for using a computer system to implement a financial transaction, the method including the steps of:

- using a browser to communicate value conveyance data over the Internet;
- implementing a redemption over the Internet with the value conveyance data communicated by the browser; and
- reconciling the value conveyance for the redemption invisibly to the recipient by using the value conveyance data communicated by the browser.

Evidence Appendix Page

This Appeal Brief does not contain evidence submitted under 37 C.F.R. 1.130, 1.131, or 1.142 or any other evidence entered by the examiner and replied upon by Appellant in this appeal.

Related Proceedings Appendix Page

There are no related appeals or interferences believed to be related to this Appeal and therefore this Appeal Brief does not contain decisions rendered by a court or the Board in the related appeal or interference.